IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dahanayake et al.

Serial No: 09/900,229

Filed: July 6, 2001

For: VISCOELASTIC SURFACTANTS AND RELATED METHODS OF USE

Atty. Docket: 516.0074USX

Box Fee Amendment

Commissioner for Patents

Washington, DC 20231

Declaration Under 37 C.F.R. 1.132

I, Manilal S. Dahanayake, declare the following:

THAT I graduated from a M.S., C.Chem., M. Phil., and a Ph.D. in surface chemistry from the City University of New York in 1985. I undertook a postdoctoral fellowship at Cornell University. I have received at least 32 U.S. patents, including patents in the surfactant chemistry field. I have authored over 40 scientific publications. In 1998, I received the AOCS Samuel Rosen Memorial Award for scientific contributions in the surfactant chemistry field. I have been employed by GAF Corporation and Rhodia Inc. as a Surfactant Application Scientist and technical manager. I am the co-author of the book " Industrial Utilization Of Surfactants " published in 2002.

THAT I have reviewed the Office Action mailed August 22, 2002 for U.S. Patent Application Serial No. 09/900,229, filed July 6, 2001. I am a co-inventor on Serial No. 09/900,229. I have also

reviewed U.S. Patent No. 4,122,043, which has been cited in the above-referenced Office Action.

THAT I have been asked to give an opinion regarding whether certain compositions disclosed in U.S. Patent No. 4,122,043 are viscoelastic and whether the betaine surfactants disclosed therein are amphoteric or zwitterionic. It is my opinion that the water solution "3" in Example 4 is non-viscoelastic as viscoelasticity is defined in the specification of the present application at page 4, line 9 to page 5, line 3. The EDTA level in solution 3 is too high relative to the betaine surfactant for the solution to exhibit viscoelasticity. It is also my opinion that composition 4 in Example 4 is non-viscoelastic. Composition 4 is anhydrous and, thus, non-viscoelastic. It is also my opinion that use of the water solution 3 and composition "4" of Example 4 in wash loads in the manner described in Example 4 results in highly dilute wash water compositions that are non-viscoelastic. The concentration of betaine surfactant in the wash water compositions in Example 4 is too low to confer viscoelasticity. It is also my opinion that the formula in Example 6 is also non-viscoelastic. The EDTA level in the formula of Example 6 is too high relative to the betaine for the formula to exhibit viscoelasticity. It is also my opinion that the compositions in Table I and II in the Kersnar Patent are non-viscoelastic. The EDTA levels are too high relative to the betaine for the compositions to exhibit viscoelasticity. Further, the NaOH levels increase ionicity in the compositions and inhibit viscoelasticity. It is also my opinion that the water solution in Example 1 is non-viscoelastic. The EDTA level is too high relative to the betaine for the composition to exhibit viscoelasticity. Further, the NaOH level increases ionicity in the composition and inhibits viscoelasticity. The

wash water compositions in Examples 1 to 3 all have betaine surfactant concentrations too low for the compositions to exhibit viscoelasticity. It is also my opinion that the betaine surfactants disclosed in the Kersnar Patent are not amphoteric as amphoteric surfactants are defined in the specification of the present application at page 5, lines 19 to 32.

That I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Manilal S. Dahanayake date